

# Staff Stuff



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Page 1

## CHANCELLOR'S GUIDELINES ON FAMILY AND MEDICAL LEAVE ACT

### PURPOSE

The Family and Medical Leave Act (FMLA) of 1993 was passed by Congress to balance demands of the work place with the needs of families, promote stability and economic security of families, and promote national interest in preserving family integrity; minimize the potential for employment discrimination on the basis of gender by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and promote the goal of equal employment opportunity for women and men.

### ELIGIBILITY

For purposes of determining eligibility, the individual college is considered the employer. The 12-month period used to calculate eligibility and to be used as a "leave year" under the FMLA will be the same as that used by each college to determine annual and sick leave, generally September 1 through August 31.

**Probationary / Non-Probationary Employees-** Is an employee who has been employed with the individual college for at least 12 months and who has worked at least 1250 hours during the previous 12-month period is entitled to a total of 12 workweeks, paid or unpaid, leave during each leave year.

**Temporary Employees-**These Guidelines generally do not cover temporary employees; however, if a temporary employee is extended beyond one year, the employee would be covered if he/she had worked at least 1250 hours during the previous 12-month period.

### LEAVE OCCURRENCES

Employees are entitled to FMLA leave for one or more of the following reasons.

1. For the birth of a child and to care for the child after birth, provided the leave is taken within a 12-month period following birth;
2. For the employee to care for a child placed with the employee for adoption, provided the leave is taken within a 12-month period following adoption;
3. For the employee to care for the employee's child, spouse, or parent, where that child, spouse, or parent has a serious health condition; or
4. Because the employee has a serious health condition that make the employee unable to perform the essential functions of his or her position.

Leave without pay beyond the 12-week period or for employees not covered under the Family and Medical Leave Act Guidelines will be administered in accordance with leave policies of the Alabama State Board of Education. Under these provisions, employees must pay a health benefits coverage while on unpaid leave.

### DEFINITIONS

**Parent-** A biological or adoptive parent or an individual who stood in a loco parentis (a person who is in the position or place of a parent) to an employee when the employee was a child.

**Child -** is a son or daughter under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability who is:

- (a) a biological child
- (b) an adopted child
- (c) a foster child - a child for whom the employee performs

the duties of a parent as if it were the employee's child

(d) a step-child - a child of the employee's current spouse from a former marriage

(e) a legal ward - a minor child placed by the court under the care of a guardian

(f) a child of an employee standing in loco parentis.

**Spouse -** a husband or wife.

**Serious health condition -** an illness, injury, impairment, or physical or mental condition that involves either inpatient care in a hospital, hospice, or residential medical care facility, or that involves continuing treatment by health care provider.

**Workweek -** the number of hours an employee is generally scheduled to work each week.

### FAMILY AND MEDICAL LEAVE USAGE

If any aspect of family and medical leave is paid, it will be based upon accrued leave balances.

Guidelines for FMLA leave usage includes:

1. For the birth of a child, the college may require use of any portion of available sick leave. However sick leave may be used only during the period of disability.
2. For the illness of an employee's child, spouse, or parent, the college may require use of any portion of available sick leave.
3. For the employee's illness, the college may require use of any portion of available sick leave.
4. A husband and wife who are eligible for FMLA leave and employed by the same college are permitted to take only a combined total of 12 weeks of leave during any 12-month period, when authorized for: a) the birth of a son or daughter or the care for the child after birth; b) placement of a son or daughter for adoption, for foster care, or to care for the child after placement; or c) to care for a parent (but not a parent "in-law") or spouse with a serious health condition.

### INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE

Pursuant to these guidelines, the employee may not take leave intermittently or on a reduced work schedule for child birth and birth-related child care or adoption unless the employee and the college agree to an alternative arrangement. When medically necessary, the employee may request leave intermittently or on a reduced schedule to care for the employee's child, spouse, or parent who has a serious health condition, or because the employee has a serious health condition. The college may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave. The college may require certification of the medical necessity for intermittent or reduced schedule leave. When an employee is on an FMLA reduced work schedule, time not worked during the workweek will be charged against the employee's FMLA leave balance.

### EMPLOYEE RESPONSIBILITY

The employee shall apply in writing to the supervisor for leave requested under these guidelines as follows:

**Birth or Adoption -** The employee shall give the college no less than 30 days' written notice of the intention to take leave, subject to the actual date of the birth or adoption. If the date of the birth or adoption requires leave to begin in less than 30 days, then employee shall provide such notice as soon as



possible.

**Planned Medical Treatment** - When the necessity for leave is to care for the employee's child, spouse, or parent or because the employee has a serious health condition requiring scheduled treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt operations unduly, subject to the approval of the appropriate health care provider. Generally, the employee must give thirty (30) day leave notification, or if unforeseeable, within two(2) days after the leave begins.

The employee shall be deemed to have applied for leave under these Guidelines when the employee is on approved sick leave but has not given written notice of the intent to take family or medical leave to the supervisor, and the basis for the sick leave falls within the scope of these Guidelines. In these cases, the college shall notify the employee in writing that time spent on paid sick leave or leave without pay is part of the 12 workweeks of leave. If the employee does not intend to return to work after the period of leave, the college should be notified in writing immediately. An employee's failure to report at the expiration of the leave, unless an extension has been requested, may be considered as a resignation for a temporary or probationary employee or as a cause for termination of a non-probationary employee.

## CERTIFICATION

For leave pursuant to these Guidelines, the college may require that a claim for leave because of adoption be supported by reasonable proof of adoption.

The college may require that a claim for leave because of a serious illness of the employee or of the employee's child, spouse, or parent be supported by a medical certification which included the following:

The date on which the serious health condition began.

The probable duration of the condition.

The appropriate medical facts regarding the condition.

A statement that the leave is needed to care for the child, spouse, or parent, and an estimate of the amount of time that is needed; of that the employee is unable to perform the essential functions of the position, whichever applies.

Where certification is necessary for intermittent leave for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment.

Where the college has reason to doubt the validity of the certification, the college may require the employee to get the opinion of a second health care provider designated or approved by the college. Where the second opinion differs from the opinion in the original certification provided, the college may require the employee to get the opinion of a third health care provider designated or approved jointly by the employer and the employee. The third opinion is final and binding on the college and the employee. The college may require that the employee get subsequent recertifications each thirty (30) days. The second and third certification and the recertifications must be at the expense of the college.

## EMPLOYMENT AND BENEFITS PROTECTION

**1. Reinstatement** - The employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment, unless the employee otherwise would have been transferred, terminated, or laid off. the college may require the employee to submit periodic reports of his/her status and intention of returning to work. The college also may require that the employee submit a fitness for duty certification before returning to work.

**2. Benefits** - Employees will not earn seniority credit for any

period of leave without pay.

**3. Health Benefits** - The college shall maintain coverage for the employee under the college's group health plan for the duration of the leave at the level and under the conditions covered would have been provided if the employee had continued employment. If the employee does not return to work at the completion of the leave, the college may seek repayment from the employee of the premium payments to the extent permitted by state and federal law. Exceptions to this include the continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control which would prevent return to work. Employees on FMLA leave without pay are responsible for payment of dependent health care premiums.

## INTERFERENCE WITH RIGHTS

**1. Prohibited Actions** - It is unlawful to interfere with, restrain, or deny any right provided by these Guidelines or to discharge or in any other manner discriminate against an employee for opposing any practice made unlawful by these Guidelines.

**2. Protected Activity** - It is unlawful to discharge or in any other manner discriminate against any employee because the employee does any of the following: a) Files any civil action, or institutes or causes to be instituted any civil proceeding under or related to these Guidelines b) Gives, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided by these Guidelines. c) Testifies, or is about to testify, in any inquiry or proceeding relating to any right provided under these Guidelines.

**3.** Any employee who believes that these Guidelines and the Act have not been applied properly should notify the appropriate individual within the employing college.

## ADDITIONAL INFORMATION

Employees desiring additional information concerning their rights and responsibilities under the Family and Medical Leave Act should read posted information about the Act in their department or direct question to the person designated to handle college personnel matters.

Note: Because the college in the past has allowed employees to use personal, annual or sick leave for medical reasons the "Family Medical Leave Act" will not greatly affect you as an employee. With this Act you will be entitled to twelve weeks leave. As in the past you may take sick, annual, or personal leave, or you may take leave without pay for the medical reasons previously defined.

*These Guidelines are not intended to create any entitlements for employees greater than those required under the Family and Medical Leave Act.*

## JEANETTA HARGROW

Congratulations to Jeanetta Hargrow who recently changed positions. She is now the Recruiter for the college! Jeanetta assumed her new duties in December and joins the recruiting staff headed by Martha Ann Hill.

Way to go Jeanetta!

## CONGRATULATIONS STAFF MEMBERS

A special congratulations goes to Holly Sexton, Jeanetta Hargrow and Betty Hubbert for their efforts in continuing their education. Betty finished her degree at Shelton State and is now enrolled at The University of Alabama. It has been rumored that Betty is going out for "Spring Rush" to join a sorority and is looking forward to the pledge swap with the fraternities!

Jeanetta Hargrow recently completed requirements for her Bachelor's Degree from Stillman College and last August Holly Sexton completed her degree from The University of Alabama. Holly is now enrolled in a Masters Degree Program in Counseling at The University.

Congratulations and best wishes to all of you.

## FIRE COLLEGE RECOGNIZED

Once again the Alabama State Fire College has brought notoriety to our campuses! In December, the Fire College received notification of accreditation from the National Board on Fire Service Professional Qualifications.

It is a tremendous honor to receive this accreditation and it is a reflection of a lot of hard work on behalf of the Fire College staff.

Congratulations everyone!